UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,661	07/02/2003	Lars Tenerz	030481-0206	2007

22428	7590	01/12/2005

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER
ALLEN, ANDRE J

ART UNIT	PAPER NUMBER
2855	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	Applicant(s)
Office Action Summary	10/611,661	TENERZ ET AL.
	Examiner	Art Unit	
	Andre J. Allen	2855	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _15 October 2004_.

2a) ☐ This action is **FINAL**.　　2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-18_ is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) _1-18_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a)☐ All　b)☐ Some * c)☐ None of:

　　　1.☐ Certified copies of the priority documents have been received.

　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
　　Paper No(s)/Mail Date _7-2-03, 2-26-04_.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the
disclosure.

        The abstract should be in narrative form and generally limited to a single
paragraph on a separate sheet within the range of 50 to 150 words. It is
important that the abstract not exceed 150 words in length since the space
provided for the abstract on the computer tape used by the printer is limited. The
form and legal phraseology often used in patent claims, such as "comprises,"
should be avoided. The abstract should describe the disclosure sufficiently to
assist readers in deciding whether there is a need for consulting the full patent
text for details.

        The language should be clear and concise and should not repeat
information given in the title. It should avoid using phrases which can be implied,
such as, "The disclosure concerns," "The disclosure defined by this invention,"
"The disclosure describes," etc.

Double Patenting

2.   The nonstatutory double patenting rejection is based on a judicially
created doctrine grounded in public policy (a policy reflected in the statute) so as
to prevent the unjustified or improper timewise extension of the "right to exclude"
granted by a patent and to prevent possible harassment by multiple assignees.
See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re
Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164
USPQ 619 (CCPA 1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644
(CCPA 1969).
        A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may
be used to overcome an actual or provisional rejection based on a nonstatutory
double patenting ground provided the conflicting application or patent is shown to
be commonly owned with this application. See 37 CFR 1.130(b).
        Effective January 1, 1994, a registered attorney or agent of record may
sign a terminal disclaimer. A terminal disclaimer signed by the assignee must
fully comply with 37 CFR 3.73(b).

        Claims 1-18 are provisionally rejected under the judicially created doctrine

of obviousness-type double patenting as being unpatentable over claims 1-19 of

copending Application No. 10/622136. Although the conflicting claims are not

identical, they are not patentably distinct from each other because the current

application teaches all the basic features/elements of the co-pending application.

However, the current application teaches a recess, which is provided between

the first end portion and a second portion of the sensor chip and the cited

application calls for a clearance formed between the first end portion and core

wire. It would have been obvious to a person having ordinary skill in the art of

fabricating sensor devices at the time the invention was made to interpret the

recess and clearance as both providing the same function of providing a

cantilevered arrangement to resist the bending of artificial artifacts.

This is a provisional obviousness-type double patenting rejection because

the conflicting claims have not in fact been patented.

3.   Claims 1-18 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-14 of

U.S. Patent No. 6112598. Although the conflicting claims are not identical, they

are not patentably distinct from each other because the cited patent teaches all

the basic features/elements of the claimed invention. However the cited patent

teaches a guide wire vs. a core wire and an arrangement that prevents the

pressure transducer from contacting any other structure other than the mount

and a guide wire. The current application calls for a clearance in the area of the

mounting base and core wire. Therefore, It would have been obvious to a person

having ordinary skill in the art of fabricating sensor devices at the time the

invention was made to interpret the core wire and guide wire as synonymous

components and the clearance taught by (6112598) would cause a no contact

relationship between the wire, sensor element and mounting structure which

would results in providing a cantilevered arrangement to resist the bending of

artificial artifacts.

Claims 1-18 are rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1-20 of U.

S. Patent No. 6167763. Although the conflicting claims are not identical, they are

not patentably distinct from each other because the cited patent teaches all the

basic features/elements of the claimed invention. However the cited patent

teaches an arrangement that prevents the pressure transducer from contacting

any other structure other than the mount and the current application calls for a

clearance in the area of the mounting base and core wire. Therefore, It would

have been obvious to a person having ordinary skill in the art of fabricating

sensor devices at the time the invention was made to interpret these devices to

provide the same results as providing a cantilevered arrangement to resist the

bending of artificial artifacts.

Conclusion

Any inquiry concerning this communication or earlier communications

from the examiner should be directed to Andre J. Allen whose telephone number

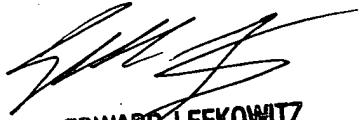is 571-272-2174. The examiner can normally be reached on mon-fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, Edward Lefkowitz can be reached on 571-272-2180. The

fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André Allen
Patent Examiner
Art Unit 2855

EDWARD LEFKOWITZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800